

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77914175
LAW OFFICE ASSIGNED	LAW OFFICE 113
MARK SECTION (no change)	
ARGUMENT(S)	
<p>Applicants respectfully submit that the sole basis for rejection is over alleged confusion with the mark BASICS for supermarket services. Applicants have previously raised the fact, during examiner interview, that this mark has had the services supermarket services deleted from its description of goods and services in the Section 8 and 15 declaration:</p> <p>"For International Class 035, this filing does NOT cover the following goods or services for this specific class listed in the registration, and these goods or services are to be permanently deleted from the registration. Retail supermarket services;"</p> <p>However, such deletion does not appear in the searchable records of the USPTO, aside from the TDR database containing the Section 8 and 15 declaration.</p> <p>Further the specimen shows the mark in use as Drug Basics, indicating that the mark is used to advertise store based sales of drugs. Applicants have not sought to register Basics Plus for drugs</p> <p>For these reasons, applicants respectfully submit that the final office action should be withdrawn and the mark allowed to proceed to publication.</p>	
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Henry J. Cittone/
SIGNATORY'S NAME	Henry J. Cittone
SIGNATORY'S POSITION	Attorney of record, New York bar member
DATE SIGNED	04/22/2011
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Fri Apr 22 11:07:12 EDT 2011

TEAS STAMP

USPTO/RFR-67.82.57.199-20
110422110712950788-779141
75-480a959b49ba1f69e8daba
ebaeb64ce3b7-N/A-N/A-2011
0422105229116476

PTO form (Rev. 4-21-00)
OMB No. 0651- ... (Exp. 08/31/2004)

**Request for Reconsideration after Final Action
To the Commissioner for Trademarks:**

Application serial no. **77914175** has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

Applicants respectfully submit that the sole basis for rejection is over alleged confusion with the mark BASICS for supermarket services. Applicants have previously raised the fact, during examiner interview, that this mark has had the services supermarket services deleted from its description of goods and services in the Section 8 and 15 declaration:

"For International Class 035, this filing does **NOT** cover the following goods or services for this specific class listed in the registration, and these goods or services are to be permanently **deleted** from the registration. Retail supermarket services;"

However, such deletion does not appear in the searchable records of the USPTO, aside from the TDR database containing the Section 8 and 15 declaration.

Further the specimen shows the mark in use as Drug Basics, indicating that the mark is used to advertise store based sales of drugs. Applicants have not sought to register Basics Plus for drugs

For these reasons, applicants respectfully submit that the final office action should be withdrawn and the mark allowed to proceed to publication.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Henry J. Cittone/ Date: 04/22/2011

Signatory's Name: Henry J. Cittone

Signatory's Position: Attorney of record, New York bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in

this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 77914175

Internet Transmission Date: Fri Apr 22 11:07:12 EDT 2011

TEAS Stamp: USPTO/RFR-67.82.57.199-20110422110712950

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